

2

New Jersey Department of Environmental Protection
Bureau of Hazardous Waste Compliance and Enforcement

NOTICE OF VIOLATION

SUPERIOR BARREL + DRUM CO., INC.

358662
477906

R2 - 000040

File #

PI #

Program Interest: AND THOMAS TOY Site Address: 798 JACOB HARRIS RD.
Municipality: ELK TOWNSHIP County: GLOUCESTER Zip: 08343
Person Interviewed: THOMAS TOY Title: OWNER

On 1/30/13 a representative from the NJDEP Bureau of Hazardous Waste Compliance and Enforcement (BHWC&E) conducted a compliance evaluation of the above Program Interest. This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to warn you that a violation(s) of the Statutes and Rules checked below has been found.

- ☒ Solid Waste Management Act N.J.S.A. 13:1E-1 et seq. and rules at N.J.A.C. 7:26 - 1 et seq. and/or N.J.A.C. 7:26A-1 et seq. and/or N.J.A.C. 7:26G-1 et seq.
☐ Spill Compensation and Control Act N.J.S.A. 58:10-23.11 et seq. and rules at N.J.A.C. 7:1E et seq.

EXPLANATION OF THIS NOTICE - Violation with citation(s) to the specific Rules issued under the above checked Statutes:

N.J.A.C. 7:26-2.8(f) NO PERSON SHALL BEGIN CONSTRUCTION OR OPERATION OF A SOLID WASTE FACILITY WITHOUT OBTAINING A SWF PERMIT UNLESS EXEMPT PURSUANT TO N.J.A.C. 7:26-1.1, 1.7 OR 1.8.

☐ Violation above corrected at time of issuance ☐ See additional NA (#) pages of **EXPLANATION OF THIS NOTICE**

PURPOSE OF THIS NOTICE - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above *). This **NOTICE** does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

RESPONDING TO THIS NOTICE - Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk * above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**.

CORRECTION ACTION PAGE(S) - The Corrective Action Page(s) outlines the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be outlined on this form.

- ☐ Not Provided for this **NOTICE**
☒ See additional 2 (#) attached pages

COMPLIANCE RESPONSE FORM - Submission of a Compliance Response Form if checked below is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

- ☐ Not Applicable
☐ If received within ___ days of receipt it will preserve your protection from penalty under Grace Period Law
☒ If received within 30 days of receipt it will be considered in potential future Department action regarding the violations cited.

FOR QUESTIONS REGARDING THIS NOTICE, please contact the Department representative issuing this **NOTICE** at the location indicated:

- ☐ Central Field Office
PO Box 407, Trenton, NJ 08625-0407
Tel. (609) 54-4250 Fax (609) 584-2444
- ☐ Northern Field Office
7 Ridgedale Ave., Cedar Knolls, NJ 07927-1112
Tel. (973) 656-4470 Fax (973) 631-6331
- ☒ Southern Field Office
One Port Center, 2 Riverside Dr., Ste. 201
Camden, NJ 08103
Tel. (856) 614-3658 Fax (856) 614-3608

Issued by: TERRY W. OSTRANDER Date: 6/17/2013 Signature: Terry W. Ostrander
Received by: (print) _____ Date: _____ Signature: (receipt only) _____



New Jersey Department of Environmental Protection

358662 R2-000041
477906



NOTICE OF VIOLATION Attachment
CORRECTIVE ACTION PAGE (2 of 3)

Site Name SUPERIOR BARREL + DRUM CO., INC.
AND THOMAS TOY Date 6/17/2013
ELK TOWNSHIP

Corrective Action: PROPERLY REMOVE ANY/ALL WASTE MATERIALS TO AN
AUTHORIZED FACILITY

by 7/16/2013 (date) OR _____ calendar day(s) from _____

Corrective Action: _____

by _____ (date) OR _____ calendar day(s) from _____

Corrective Action: _____

by _____ (date) OR _____ calendar day(s) from _____

Corrective Action: _____

by _____ (date) OR _____ calendar day(s) from _____

issuer's initials TWO rec'd by initials _____

